



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,687	06/08/2001	Matthew J. Holliman	42390.P11076	9438

7590 09/24/2004

John P. Ward  
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER

LEE, PHILIP C

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/877,687	Applicant(s) HOLLIMAN ET AL.	
	Examiner Philip C Lee	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-41 are presented for examination.

*Claim Rejections – 35 USC 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8, 10-11, 13-18, 21, 24-25, 28-32, 34, 37, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider, U.S. Patent 6,687,753 (hereinafter Schneider) in view of Hughes, Jr. et al, U.S. Patent 6,633,725 (hereinafter Hughes).
4. As per claims 1, 14 and 28-29, Schneider taught the invention as claimed comprising:
  - a processing unit (col. 2, lines 50-52);
  - a memory device (col. 2, lines 50-52);
  - a network interconnection (col. 2, lines 66-col. 3, lines 3);

Art Unit: 2154

a first unit to process an inquiry for data from a node, transcode the data before transmitting the data to the node, wherein the transcoding includes converting the data into a format that can be processed by the node (col. 4, lines 57-61), and transmitting the data to the node in a transport specification as requested by the node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).

5. Schneider did not teach that the node is a peer node of the first unit. Hughes taught transcoding data to a peer node (col. 7, lines 30-39; col. 8, lines 51-55).

6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schneider and Hughes because Hughes's system of transcoding data to a peer node would increase the efficiency of Schneider's system by allowing data to be transcoded before transmission to another peer device node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).

7. As per claims 2, 5, 15, 18, 30 and 34, Schneider and Hughes taught the invention substantially as claimed in claims 1, 14 and 29 above. Schneider further taught that the transport specification is specified by an application at the peer node (col. 3, lines 41-53).

8. As per claims 3, 16 and 31, Schneider and Hughes taught the invention substantially as claimed in claims 1, 14 and 29 above. Schneider further taught that the inquiry includes a user-specified query generated at the peer node (col. 3, lines 28-31, 61-67).

9. As per claims 4, 17 and 32, Schneider and Hughes taught the invention substantially as claimed in claims 3, 16 and 31 above. Schneider further taught that the user-specified query includes a reference to a content of the requested data, and the system includes a content specific query handler to locate the requested data (col. 4, lines 26-33).

10. As per claims 8, 21 and 37, Schneider and Hughes taught the invention substantially as claimed in claims 1, 14 and 29 above. Hughes further taught that the data includes multimedia data (col. 7, lines 35-39).

11. As per claims 10, 24 and 39, Schneider and Hughes taught the invention substantially as claimed in claims 1, 14 and 29 above. Schneider further taught including the system obtaining the requested data from a second peer node (col. 3, lines 19-21).

12. As per claims 11 and 25, Schneider and Hughes further taught that the system receives the data from the second peer node after the second peer node has transcoded the data (see Schneider, col. 3, lines 19-21; col. 4, lines 57-61).

13. As per claims 13 and 41, Schneider and Hughes taught the invention substantially as claimed in claims 1 and 29 above. Schneider further taught that the data is transcoded in response to a status of a network connection between the system and the peer node (col. 4, lines 1-20; col. 5, lines 48-62; col. 6, lines 26-29).

14. Claims 6-7, 12, 19-20, 23, 26-27, 35-36 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider and Hughes in view of "Official Notice".

15. As per claims 6-7, 12, 19-20, 23, 26, 35-36 and 40, Schneider and Hughes taught the invention as claimed in claims 1, 14 and 29 above. Schneider and Hughes did not specifically detailing a format requested by the peer service layer of the peer node. "Official Notice" is taken for the concept of the peer service layer of the peer node is known and accepted in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the peer service layer because by doing so would allow nodes in a peer-to-peer network to communicate.

16. As per claim 27, Schneider and Hughes taught the invention substantially as claimed as in claim 26 above. Schneider further taught that a daemon at the first node includes an application interface module (col. 2, lines 66-col. 3, lines 3), a media transcoding module (col. 4, lines 57-61), a cost evaluation module (col. 3, lines 41-57), and a daemon to daemon communication module (col. 4, lines 26-33).

17. Claims 9, 22 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider and Hughes in view of Ogilvie et al, U.S. Patent 6,757,713 (hereinafter Ogilvie).

Art Unit: 2154

18. As per claims 9, 22 and 38, Schneider and Hughes taught the invention substantially as claimed in claims 1, 14 and 29 above. Schneider and Hughes did not specifically detailing the peer node is a wireless device. Ogilvie taught that the peer node is a wireless device (col. 4, lines 10-21) and an application support handler included at the system adjusts delivery of the data to a status of the peer node (see Schneider, col. 3, lines 10-17; col. 4, lines 14-20; col. 6, lines 26-29).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schneider, Hughes and Ogilvie because Ogilvie's teaching of wireless device would increase the field of use in their systems.

20. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider and Hughes in view of Neogi et al, U.S. Patent 6,650,620 (hereinafter Neogi).

21. As per claim 33, Schneider and Hughes taught the invention substantially as claimed in claim 29 above. Schneider and Hughes did not teach tables mapping user-defined named. Neogi taught that the second and first peer nodes include tables mapping user-defined names or metadata references to Globally Unique Identifiers identifying data stored within a network of peer-to-peer nodes (col. 2, lines 53-63; col. 3, lines 27-43).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schneider, Hughes and Neogi because Neogi's system of

mapping user-defined names would increase the efficiency of Schneider's and Hughes's systems by allowing requests to be routed according to the mapping table.

### CONCLUSION

23. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.

Walter J. Lee  
9/17/04